

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

LARRY DARNELL TAVE,

Plaintiff,

v.

COMMISSIONER OF SOCIAL
SECURITY ADMINISTRATION,

Defendant.

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CIVIL ACTION NO. 1:19-CV-252

**ORDER OVERRULING OBJECTIONS AND ADOPTING REPORT AND
RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE**

The Plaintiff requests judicial review of a final decision of the Commissioner of Social Security Administration with respect to his application for disability-based benefits. This matter has been referred to the Honorable Keith Giblin, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The magistrate judge submitted a report recommending that the decision of the Commissioner be affirmed. The court has considered the report and recommendation filed on September 4 , 2020 (Doc. No. 17), and the Plaintiff's objections (Doc. No. 18). The court has conducted a *de novo* review of the objections in relation to the pleadings and the applicable law. See Fed. R. Civ. P. 72(b). After careful consideration, the court concludes that the Plaintiff's objections are without merit. Therefore, the court ADOPTS the magistrate judge's recommendation, OVERRULES the Plaintiff's objections, and AFFIRMS the Commissioner's denial of benefits.

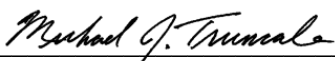
Plaintiff objects to the magistrate judge's determination that substantial evidence supports

the ALJ's conclusion that Tave's fracture on his left leg and right ankle were not severe impairments. Plaintiff further objects to the magistrate judge's finding that the ALJ properly considered Tave's mental impairments. The residual functional capacity properly accounted for the functional limitations related to Tave's left leg and right ankle. The magistrate judge properly determined that the ALJ appropriately found Tave's major depressive disorder were well controlled with medication. The magistrate judge correctly determined that substantial evidence supports the ALJ's treatment of Tave's functional limitations and mental impairments and took into consideration the effect, or lack of effect, they had on his residual functional capacity. The magistrate judge correctly examined the ALJ's treatment of the medical evidence, the treatment of the testimony in the record, and the ALJ's determination of the residual functional capacity.

The court concludes that the magistrate judge correctly identified and discussed the points of error argued by plaintiff and analyzed the points correctly. The magistrate judge properly examined the entire record to determine that substantial evidence supports the administrative law judge's assessments and determinations and the Commissioner's denial of benefits.

Accordingly, all of the Plaintiff's objections are **OVERRULED**. The findings of fact and conclusions of law of the magistrate judge are correct and the report of the magistrate judge is **ADOPTED**. A final judgment will be entered in this case in accordance with the magistrate judge's recommendation.

SIGNED this 26th day of September, 2020.



Michael J. Truncala
United States District Judge